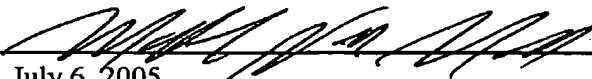





<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/607,724
		Filing Date	June 27, 2003
		First Named Inventor	Gregory A. Peck
		Art Unit	2821
		Examiner Name	Minh D. A.
Total Number of Pages in This Submission	11	Attorney Docket Number	42P16079

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark C. Van Ness, Reg. No. 39,865 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	July 6, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Gayle Bekish		
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Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 08/04/2004.  
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**FEE TRANSMITTAL  
for FY 2005***Patent fees are subject to annual revision.***Complete If Known**

Application Number	10/607,724
Filing Date	June 27, 2003
First Named Inventor	Gregory A. Peck
Examiner Name	Minh D. A.
Art Unit	2821
Attorney Docket No.	42P16079

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$)**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments**FEE CALCULATION**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (2)** (\$)**SUBMITTED BY****Complete (if applicable)**Name (Print/Type) **Mark C. Van Ness**Registration No.  
(Attorney/Agent)**39,865**

Telephone

**(503) 439-8778**

Signature


Date

**07/06/05**Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/16/2004.  
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<b>FEE TRANSMITTAL</b> <b>for FY 2005</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
		Application Number	10/607,724
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	June 27, 2003
		First Named Inventor	Gregory A. Peck
		Examiner Name	Minh D. A.
TOTAL AMOUNT OF PAYMENT		Art Unit	2821
(\$)		Attorney Docket No.	42P16079

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input type="checkbox"/> Credit any overpayments	

FEE CALCULATION					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					(\$)

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Mark C. Van Ness	Registration No. (Attorney/Agent)	39,865
Signature		Telephone	(503) 439-8778
		Date	07/06/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 12/15/2004.  
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Attorney Docket No.: 42390.P16079

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Gregory A. Peck	)	
		)	
Serial No.	10/607,724	)	Group Art: 2821
		)	
Filed:	06/27/03	)	Examiner: Minh D. A.
		)	
Title:	Apparatus and Method to	)	
	Provide Antenna Diversity	)	
		)	

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL ACTION

Dear Sir,

In response to the Final Office Action dated April 6, 2005, Applicant respectfully requests entry of the following amendment, and reconsideration and withdrawal of the rejections.

No Amendments were made to the Specification

Amendments to the Claims begin on Page 2

No Amendments were made to the Drawings

Attorney Docket No: 42390P16079

1

Serial No: 10/607,724

**Amendments to the Claims**

1. (currently amended) An apparatus, comprising:

a primary antenna having a gain; and

a secondary antenna having a gain greater than the gain of the primary antenna,

wherein the gain of the secondary antenna is at least about 6 dBi;

wherein the primary antenna is a transmit and receive antenna and the secondary antenna is a receive only antenna.

2. (canceled)

3. (original) The apparatus of claim 1, wherein the gain of the secondary antenna is at least about 12 dBi.

4. (original) The apparatus of claim 1, wherein the gain of the primary antenna is less than about 6 dBi.

5. (original) The apparatus of claim 1, wherein the gain of the primary antenna is less than about 3 dBi.

6. (original) The apparatus of claim 1, wherein the primary antenna is a dipole antenna and the secondary antenna is a dipole antenna.
7. (original) The apparatus of claim 1, wherein the secondary antenna is a stacked dipole antenna.
8. (original) The apparatus of claim 1, wherein the primary antenna is a dipole antenna, a microstrip patch antenna, or an inverted-F antenna.
9. (cancelled)
10. (original) The apparatus of claim 1, further comprising a power amplifier (PA) having an output terminal coupled to the primary antenna via a switch.
11. (original) The apparatus of claim 10, wherein the power amplifier has an output power of at least about 17 dBm.
12. (original) The apparatus of claim 1, further comprising a low noise amplifier (LNA) having an input terminal selectively coupled to either the primary antenna or the secondary antenna.

13. (previously amended) An apparatus, comprising:

a first antenna to transmit and receive signals; and

a second antenna to only receive signals and having a gain greater than a gain of the first antenna, wherein the second antenna is separate from the first antenna.

14. (previously amended) The apparatus of claim 13, wherein the gain of the second antenna is at least about 6 dBi.

15. (original) The apparatus of claim 13, wherein the gain of the first antenna is less than about 6 dBi.

16. (currently amended) A system, comprising:

a wireless local area network (WLAN) device comprising:

a primary antenna having a gain; and

a secondary antenna having a gain greater than the gain of the primary antenna,

wherein the secondary antenna has a gain of at least about 6 dBi;

wherein the primary antenna is a transmit and receive antenna and the secondary antenna is a receive only antenna.



17. (original) The system of claim 16, wherein the WLAN device is an access point (AP).

18. (previously amended) The system of claim 16, wherein the primary antenna has a gain of less than about 6 dBi.

19. (previously amended) A method, comprising:

receiving a first signal from a transmit and receive antenna; and

receiving a second signal from a receive only antenna, wherein the receive only antenna has a gain greater than a gain of the transmit and receive antenna and wherein the receive only antenna is separate from the transmit and receive antenna.

20. (original) The method of claim 19, comparing the signal strength of the first signal to the signal strength of the second signal.

21. (previously amended) The method of claim 19, further comprising coupling an input terminal of a low noise amplifier (LNA) to the receive only antenna if the signal strength of the second signal is greater than the signal strength of the first signal.

22. (previously amended) The method of claim 21, further comprising transferring a transmission signal for transmission over the air from an output terminal of a power amplifier (PA) to the transmit and receive antenna.

23. (previously amended) A method, comprising:

selectively switching between either a primary antenna or a diversity antenna to receive signals, wherein a gain of the primary antenna is less than a gain of the diversity antenna and the diversity antenna is discrete from the primary antenna.

24. (previously amended) The method of claim 23, further comprising:

transmitting a signal using the primary antenna;

receiving a signal using the primary antenna; and

receiving a signal using the diversity antenna.

25. (original) The method of claim 23, further comprising coupling an input terminal of a low noise amplifier (LNA) to the diversity antenna after comparing signal strengths of signals received by the primary and diversity antennas.

**Remarks**

Claims 1, 3-25 are pending in the current application. Claims 1 and 16 have been amended. Claim 9 has been cancelled.

**Allowable Subject Matter**

Claims 9-12 are indicated as containing allowable subject matter and would be allowable if rewritten in independent form. Claims 13-15 and 19-25 are indicated as allowed. Applicant thanks the Examiner for the indication of allowable subject matter.

**35 U.S.C. 102 Rejections**

Claims 1, 3-4 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Carloni et al (U.S. Pat. No. 5,815,115).

Allowable subject matter from claim 9 has been incorporated into claim 1. Thus, claim 1 is allowable. Claims 3-8, 10-12 depend from allowable claim 1 and are allowable for at least this reason.

Allowable subject matter from claim 9 has been incorporated into claim 16. Thus, claim 16 is allowable. Claims 17-18 depend from allowable claim 16 and are allowable for at least this reason.

**35 U.S.C. 103 Rejections**

Claims 4-8 and 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carloni et al. Claims 4-8 depend from allowable claim 1 and are allowable for at least this reason. Claims 17-18 depend from allowable claim 16 and are allowable for at least this reason.

Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

Intel Corporation

Date: July 6, 2005 \_\_\_\_\_ /Rita M. Wisor/ \_\_\_\_\_

Rita M. Wisor  
Reg. No. 41,382

Attorney Phone Number: (512) 732-3923

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